

## § 97.155

## 40 CFR Ch. I (7–1–10 Edition)

period in the immediately following calendar year, equal to 3 times the number of tons of the source's excess emissions.

(2) Any allowance deduction required under paragraph (d)(1) of this section shall not affect the liability of the owners and operators of the CAIR NO<sub>x</sub> source or the CAIR NO<sub>x</sub> units at the source for any fine, penalty, or assessment, or their obligation to comply with any other remedy, for the same violations, as ordered under the Clean Air Act or applicable State law.

(e) *Recordation of deductions.* The Administrator will record in the appropriate compliance account all deductions from such an account under paragraphs (b) and (d) of this section and subpart II.

(f) *Administrator's action on submissions.* (1) The Administrator may review and conduct independent audits concerning any submission under the CAIR NO<sub>x</sub> Annual Trading Program and make appropriate adjustments of the information in the submissions.

(2) The Administrator may deduct CAIR NO<sub>x</sub> allowances from or transfer CAIR NO<sub>x</sub> allowances to a source's compliance account based on the information in the submissions, as adjusted under paragraph (f)(1) of this section, and record such deductions and transfers.

### § 97.155 Banking.

(a) CAIR NO<sub>x</sub> allowances may be banked for future use or transfer in a compliance account or a general account in accordance with paragraph (b) of this section.

(b) Any CAIR NO<sub>x</sub> allowance that is held in a compliance account or a general account will remain in such account unless and until the CAIR NO<sub>x</sub> allowance is deducted or transferred under § 97.142, § 97.154, § 97.156, or subpart GG or II of this part.

### § 97.156 Account error.

The Administrator may, at his or her sole discretion and on his or her own motion, correct any error in any CAIR NO<sub>x</sub> Allowance Tracking System account. Within 10 business days of making such correction, the Administrator will notify the CAIR authorized account representative for the account.

### § 97.157 Closing of general accounts.

(a) The CAIR authorized account representative of a general account may submit to the Administrator a request to close the account, which shall include a correctly submitted allowance transfer under §§ 97.160 and 97.161 for any CAIR NO<sub>x</sub> allowances in the account to one or more other CAIR NO<sub>x</sub> Allowance Tracking System accounts.

(b) If a general account has no allowance transfers in or out of the account for a 12-month period or longer and does not contain any CAIR NO<sub>x</sub> allowances, the Administrator may notify the CAIR authorized account representative for the account that the account will be closed following 20 business days after the notice is sent. The account will be closed after the 20-day period unless, before the end of the 20-day period, the Administrator receives a correctly submitted transfer of CAIR NO<sub>x</sub> allowances into the account under §§ 97.160 and 97.161 or a statement submitted by the CAIR authorized account representative demonstrating to the satisfaction of the Administrator good cause as to why the account should not be closed.

## Subpart GG—CAIR NO<sub>x</sub> Allowance Transfers

### § 97.160 Submission of CAIR NO<sub>x</sub> allowance transfers.

A CAIR authorized account representative seeking recordation of a CAIR NO<sub>x</sub> allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the CAIR NO<sub>x</sub> allowance transfer shall include the following elements, in a format specified by the Administrator:

(a) The account numbers for both the transferor and transferee accounts;

(b) The serial number of each CAIR NO<sub>x</sub> allowance that is in the transferor account and is to be transferred; and

(c) The name and signature of the CAIR authorized account representative of the transferor account and the date signed.